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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,435	11/09/2001	Brian Edward Cowper	MA83-002	5943
21567	7590	12/23/2003	EXAMINER	
WELLS ST. JOHN P.S. 601 W. FIRST AVENUE, SUITE 1300 SPOKANE, WA 99201			KYLE, MICHAEL J	
			ART UNIT	PAPER NUMBER
			3676	

DATE MAILED: 12/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/009,435

Applicant(s)

COWPER, BRIAN EDWARD

Examiner

Michael J Kyle

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32-49 and 51-71 is/are pending in the application.
- 4a) Of the above claim(s) 51-62 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 63-69 is/are allowed.
- 6) ☒ Claim(s) 32-41, 70, and 71 is/are rejected.
- 7) ☒ Claim(s) 42-49 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 32-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Muttart (U.S. Patent No. 2,966,054). Muttart discloses a lock for a wing movable between respective open and closed positions relative to a frame comprising a casing (formed by 33 and 34), a bolt (17) operable to extend from or retract into the casing, and an operating member (29) arranged to be operable at one side of the wing, in use, to effect retraction of the bolt (17), first lock means (66) arranged, in use, for operation at the other side of the wing, and blocking means (65, 40) operable, in use, to prevent operation of the operating member (29) to retract the bolt, the arrangement being such that, in use, in a locked, closed position of the wing the bolt (17) is extended and the blocking means (65, 40), if operated, prevents retraction of the bolt by the operating member, key operation of the lock means (33) both de-actuating, the blocking means, if operated, and retracting the bolt (17, column 4, lines 18-20). Examiner notes that Muttart uses 65 to refer to two separate pieces of the invention. Examiner is considering free end 65 of lock bar 47 to be part of the blocking means.

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3. With respect to claims 33 and 34, Muttart discloses the blocking means (65, 40) can be de-actuated from both sides of the wing, with a turn button (56) on one side, and a key cylinder (66) on the other. The blocking means (65, 40) are operable from both sides of the wing.

4. With respect to claims 35 and 36, Muttart discloses the blocking means (65, 40) are operable from the other side only of the wing to prevent operation of the operating member (embodiment in figure 2, column 4, lines 65-67) to retract the bolt (17). Muttart also discloses the blocking means (65, 40) are operable to prevent operation of the operating member (29) to retract the bolt (17) by second lock means (56) at the one side of the wing.

5. With respect to claims 37 and 38, Muttart discloses the second lock means (56) are operable at the one side of the wing to de-actuate the blocking means (65, 40) and that the blocking means (65, 40) is an angularly movable cam. Items 65, and 40 function as a rotating cam, as shown in figure 6. As free end 65 rotates, the dogging member 40 moves in and out of place.

6. With respect to claims 39-41, Muttart discloses the operating member (19) is a pivotable handle having a projecting surface (47) which engages the cam (65, 40) when the blocking means (65, 40) are operated and an attempt is made to pivot the handle (19), and the cam is on a second member arranged for limited angular movement by operation of the second lock means at the one side of the wing.

7. With respect to claim 70, Muttart discloses a lock for a wing movable between respective open and closed positions relative to a frame comprising a casing (formed by 33 and 34), a bolt (17) operable to extend from or retract into the casing, and an operating member (29) arranged to be operable at one side of the wing, in use, to effect retraction of the bolt (17), first lock means

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(66) arranged, in use, for operation at the other side of the wing, and blocking means (65, 40) operable, in use, to prevent operation of the operating member (29) to retract the bolt, the arrangement being such that, in use, in a locked, closed position of the wing the bolt (17) is extended and the blocking means (65, 40), if operated, prevents retraction of the bolt by the operating member, key operation of the lock means (33) both de-actuating, the blocking means, if operated, and retracting the bolt (17, column 4, lines 18-20). The blocking means (65, 40) can be de-actuated from both sides of the wing.

8. Muttart discloses a lock for a wing movable between respective open and closed positions relative to a frame comprising a casing (formed by 33 and 34), a bolt (17) operable to extend from or retract into the casing, and an operating member (29) arranged to be operable at one side of the wing, in use, to effect retraction of the bolt (17), first lock means (66) arranged, in use, for operation at the other side of the wing, and blocking means (65, 40) operable, in use, to prevent operation of the operating member (29) to retract the bolt, the arrangement being such that, in use, in a locked, closed position of the wing the bolt (17) is extended and the blocking means (65, 40), if operated, prevents retraction of the bolt by the operating member, key operation of the lock means (33) both de-actuating, the blocking means, if operated, and retracting the bolt (17, column 4, lines 18-20). The blocking means (65, 40) are operable from both sides of the wing

Allowable Subject Matter

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9. The indicated allowability of claims 33 and 34 is withdrawn in view of the newly discovered reference(s) to Muttart. Rejections based on the newly cited reference are recited above.

10. Claims 42-49 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. Claims 63-69 are allowed.

Response to Arguments

12. Applicant's argument with respect to claim 32 has been considered but is moot in view of the new ground(s) of rejection. Independent claim 32, and dependent claims 33-41 now stand rejected under 102(b) as being anticipated by Muttart. Examiner notes that applicant's arguments regarding examiner's objection to the specification and claims clarify the subject matter in question. The objections have been withdrawn.

Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J Kyle whose telephone number is 703-305-3614. The examiner can normally be reached on Monday - Friday, 8:30 am - 5:00 pm.

14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 703-308-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9326.

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15. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.

mk



Anthony Knight
Supervisory Patent Examiner
Technology center 3600